



*Handwritten initials: KLD*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

**'08 MJ 9250**

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
Anthony Dale MARTINEZ,  
  
Defendant.

Magistrate Case No.:  
  
COMPLAINT FOR VIOLATION OF  
  
21 U.S.C. § 952 and 960  
Importation of a Controlled Substance  
(Felony)

The undersigned complainant being duly sworn states:

That on or about December 14, 2008, within the Southern District of California, defendant Anthony Dale MARTINEZ did knowingly and intentionally import approximately 22.04 kilograms (48.48 pounds) of marijuana a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

*[Signature]*  
Special Agent  
U.S. Immigration & Customs  
Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 15TH,  
DAY OF DECEMBER 2008.

*[Signature]*  
PETER C. LEWIS  
UNITED STATES MAGISTRATE JUDGE

*DOA*  
*12/14/08*  
*ECC*

1 UNITED STATES OF AMERICA

2 v.

3 Anthony Dale MARTINEZ

4 STATEMENT OF FACTS

5 This Statement of Facts is based on the reports, documents, and notes  
6 furnished to U. S. Immigration and Customs Enforcement Special Agent Jerry A.  
7 Conrad.

8 On December 14, 2008, at approximately 1734 hours, Anthony Dale MARTINEZ  
9 (MARTINEZ) entered the United States from the Republic of Mexico via the Calexico,  
10 California, east port of entry. MARTINEZ was the driver and registered owner of a  
11 green 1999 Chevrolet bearing California license plates 8M14181.

12 While conducting pre-primary roving operations at the Calexico east port of  
13 entry, Customs and Border Protection (CBP) Canine Enforcement Officer E. Leon  
14 informed CBP Officer G. Hernandez his Human and Narcotic Detector Dog (HNDD) had  
15 alerted to the vehicle driven by MARTINEZ. CBP Officer Hernandez obtained a  
16 negative Customs declaration from MARTINEZ. MARTINEZ presented a valid  
17 California birth certificate and claimed he is a United States citizen. CBP Officer  
18 Hernandez referred MARTINEZ back to the vehicle secondary inspection area.

19 In the vehicle secondary area, CBP Officer E. Bosquet obtained a negative  
20 Customs declaration from MARTINEZ. CBP Officer Bosquet escorted MARTINEZ into  
21 the vehicle secondary security office for a patdown search.

22 A subsequent inspection of the vehicle revealed numerous packages concealed  
23 within the hollow driver and passenger side walls of the bed of the truck. One of the  
24 packages was probed and a sample of a green leafy substance was extracted, which  
25 field-tested positive for marijuana. A total of 17 packages with a combined weight of  
26 approximately 22.04 kilograms (48.48 pounds) were removed from the vehicle.

27 MARTINEZ was placed under arrest and advised of his Miranda rights, which he  
28 acknowledged and waived, agreeing to answer questions without the presence of an  
29 attorney. MARTINEZ admitted knowledge of the marijuana that was concealed within  
the vehicle. MARTINEZ stated he was to be paid between \$2,000.00 and \$3,000.00

1 for this smuggling venture. MARTINEZ further stated he was to drive the vehicle to an  
2 undetermined location in Phoenix, Arizona. MARTINEZ added once he arrived in  
3 Phoenix, Arizona, he would receive further instructions on where to deliver the vehicle.  
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